

Tamika Harris - August 23, 2017

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO

3
4 DERRICK WHEATT, LAURESE)
GLOVER,)
5)
6 Plaintiffs,)
7 VS.) NO. 1:17-cv-377-JG
8)
9 CITY OF EAST CLEVELAND, et al.)
10 Defendants.)
11

12 VIDEOTAPED DEPOSITION

13 OF

14 TAMIKA HARRIS

15 AUGUST 23, 2017

16
17 Plaintiffs' designations are in yellow highlighting.
18
19

20 Alpha Reporting Corporation
21 236 Adams Avenue
22 Memphis, Tennessee 38103
23 (901) 523-8974
24 www.alphareporting.com
25

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1 The videotaped deposition of TAMIKA HARRIS
2 is taken on this, the 23rd day of August, 2017, on
3 behalf of the Plaintiffs, pursuant to notice and
4 consent of counsel, beginning at approximately
5 10:50 a.m., in the offices of Alpha Reporting
6 Corporation, 236 Adams Avenue, Memphis, Tennessee.

7 This deposition is taken pursuant to the
8 terms and provisions of the Federal Rules of Civil
9 Procedure.

10 All forms and formalities are waived.
11 Objections are [reserved|not reserved], except as to
12 form of the question, to be disposed of at or before
13 the hearing.

14 The signature of the witness is waived.
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1 VIDEOGRAPHER: Today is August 23rd, 2017.

2 The time is approximately 10:49. The location is
3 Alpha Reporting Corporation in Memphis, Tennessee.
4 The case is entitled Wheatt and Glover versus City
5 of East Cleveland, et al. Our deponent today is
6 Tamika Harris.

7 Will counsel please identify themselves
8 for the record.

9 MR. MURNER: For the record, attorney
10 Brett Murner on behalf of Plaintiff Eugene Johnson.

11 MS. WANG: Elizabeth Wang, W-A-N-G, on
12 behalf of Plaintiff Derrick Wheatt and Laurese
13 Glover.

14 MR. HANNAN: Charles Hannan on behalf of
15 Defendants Carmen Marino, Deborah Naiman, Cuyahoga
16 County.

17 MS. HEMMONS: Willa Harris on behalf of
18 the City of East Cleveland and the law enforcement
19 officers thereby.

20 VIDEOGRAPHER: Will the court reporter
21 please swear in the witness.

22 TAMIKA HARRIS,
23 having been first duly sworn, was examined and
24 testified as follows:

25 EXAMINATION

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1 BY MR. MURNER:

2 Q. Good morning.

3 A. Morning.

4 Q. Can you please state your name and current
5 address for the record, please?

6 A. Tamika Harris, 818 Sorrell Circle, Marion,
7 Arkansas.

8 Q. Where is Marion, Arkansas, is that over
9 the bridge?

10 A. Over the bridge.

11 Q. Over the bridge? How long have you lived
12 in Arkansas, Tamika?

13 A. For the last six years.

14 Q. Okay. And where did you live before that?

15 A. Cleveland.

16 Q. Okay. And how long did you live in
17 Cleveland, Ohio, in the area?

18 A. All my life.

19 Q. And what brings you to Arkansas or Memphis
20 here?

21 A. My husband.

22 Q. What's his name?

23 A. Turrell.

24 Q. Turrell. Got any kids?

25 A. Five boys.

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1 Q. How many?

2 A. Five.

3 Q. Names and ages?

4 A. Anthony, 20.

5 Q. It's a quiz.

6 A. Andre 16; Justin, 11; DaLontae's 9 and

7 Durrell is seven.

8 Q. Wow, that's a handful.

9 A. Handful. The starting line up.

10 Q. Indeed, you got all five. And what do you
11 do for work then?

12 A. I am a manager at a truck stop.

13 Q. Okay. And where is the truck stop located
14 at?

15 A. In Arkansas, over the bridge.

16 Q. And what do you do there?

17 A. I'm -- it's a small fuel island. So we're
18 -- I manage maybe four to five people per shift, and
19 we help drivers get fuel and get them in and get
20 them out so they can hit the road.

21 Q. Okay. So I want to walk you back about
22 20, 22 years. Do you recall anything of great
23 interest happening to you, or you observing that
24 when you were 14 years old?

25 A. Just when I witnessed a guy get killed in

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1 East Cleveland and had to go to court for all that.

2 Q. Okay. Do you remember what time of year
3 that was, or that winter or summer?

4 A. Like kind of mid winter, like it was the
5 new year, but, you know, it was after Christmas,
6 before spring. February. Something like that.

7 Q. Okay. And you were 14 at the time --

8 A. I was 14.

9 Q. -- is that correct?

10 A. Yep.

11 Q. Where were you going to school?

12 A. Patrick Henry.

13 Q. Yeah, I thought that was Patrick Henry.
14 And who did you live with?

15 A. Well, at that point in time I was staying
16 with my uncle.

17 Q. Okay.

18 A. Yeah. My mom had custody of me, but I
19 just liked spending time with my uncle, so I was
20 staying with him.

21 Q. Okay. What's your uncle's name?

22 A. Anthony.

23 Q. Anthony. Last name?

24 A. Gunn.

25 Q. Gunn?

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1 A. Uh-huh (affirmative response.)

2 Q. How do you spell that?

3 A. G-U-N-N.

4 Q. And can you describe for me the events you
5 saw that day?

6 A. Well, earlier in the evening I was hanging
7 out with a friend, and I was leaving with her, like,
8 she walked me kind of, like, halfway home. And I
9 was approaching Strathmore. And it was early
10 evening and I heard gunshot. And when I looked, I
11 seen like a Blazer, Bronco type vehicle. It was
12 driving by, and as it was driving by there was a guy
13 coming from, like, across the sidewalk.

14 And he approached the -- the victim, and
15 he fired a couple more shots. And after he fired
16 the shots, he took off running and he kind of, like,
17 came out from under the bridge and turned right.
18 And then once he turned right, that's when I slowly
19 approached the -- the guy that was laying on the
20 ground. And he was kind of like saying something
21 that I couldn't quite understand.

22 And -- and I looked up and I seen a guy,
23 like, the house that he was in front of, there was a
24 guy. And I was, like, hey, somebody's been shot in
25 front of your house. And so he came out kind of

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1 like to the sidewalk. And I looked up and we were
2 across the street from the US Post Office, and there
3 was a post office worker pulling in. I ran over to,
4 I can't remember if it was a man or a woman, but I
5 ran over to the worker and I said, hey, can you call
6 the police, someone's been shot. And, you know,
7 shortly thereafter the police arrived on the scene.

8 Q. So where were you walking to?

9 A. I was going to my uncle's house.

10 Q. Your uncle's house?

11 A. Uh-huh (affirmative response).

12 Q. And where did your uncle live?

13 A. He stayed on Taylor, which is a couple
14 streets over from Shaw and Strathmore.

15 Q. Okay. So Strathmore Avenue is in East
16 Cleveland?

17 A. Yes.

18 Q. And I think you described, is there a post
19 office -- can you describe that kind of intersection
20 or where you saw this?

21 A. Well, I think it's a four way stop, I'm
22 not really for sure. I can't remember. But
23 there's, like, a bridge, and there's, like, a
24 freeway -- I mean, not a freeway, railroad tracks
25 above the bridge. And then once you go under that

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1 bridge, on your left is the actual gate for the US
2 Post Office, and then on the right there's, like,
3 several houses.

4 Q. Okay. And you said you were with a
5 friend. What did your friend do?

6 A. Well, she had turned around. Like, she
7 heard that first shot, she turned around. But it
8 was -- I couldn't turn around, I had a curfew I had
9 to be. So I had to keep going where, you know, I
10 didn't, like, walk into it. But I kind of, like,
11 was trying to wait for it all to, like, end.
12 Because I had to get home. Like, wasn't getting in
13 trouble just because somebody was shooting. I made
14 sure I was safe, but, you know.

15 Q. Is this the first time you heard gunshots
16 in your neighborhood?

17 A. Not the first time I heard gunshots, no.
18 First time I seen somebody get actually, you know,
19 shot and actually see it, yes. But not the first
20 time I've heard gunshots.

21 Q. Gunshots fairly common?

22 A. Yeah.

23 Q. Okay. How far away were you from watching
24 this man?

25 A. I was at the --

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1 Q. Approximately?

2 A. I was at the corner, and where the guy got
3 shot at, it was, like, literally, the first house
4 right after the bridge -- excuse me -- so maybe 200
5 feet or less, I'm guessing. I don't know.

6 Q. You have glasses on today --

7 A. I do.

8 Q. -- did you always wear glasses?

9 A. I do.

10 Q. Were you wearing glasses in 2000, or I'm
11 sorry, in 1995, you think?

12 A. I don't remember.

13 Q. Okay.

14 A. I know I should have had them, but I don't
15 remember if I had them on that day or not.

16 Q. Why wouldn't you wear them some days?

17 A. Because I didn't like them.

18 Q. Because you were a 14 year old girl?

19 A. I didn't like them. And they didn't have
20 stylish glasses back then, they had ugly glasses, so
21 I didn't like them.

22 Q. So you didn't wear your glasses a lot?

23 A. Not a lot, no.

24 Q. When you were 14, was your vision -- I
25 mean, did you need the glasses or just need them a

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1 little bit, or what do you think?

2 A. I can't recall. I know at some point
3 during my teenage years I had to have them. But I
4 want to say that I didn't have them at that point in
5 time. I might not have got them until, like,
6 maybe --

7 Q. Okay.

8 A. -- right at 9th grade or something like
9 that. But I'm not a hundred percent sure.

10 Q. Okay. This person you saw that did the
11 shooting, can you describe them for me?

12 A. The shooter?

13 Q. Yes.

14 A. He was tall, dark skin. And I never seen
15 his face clearly, so I can't tell you what his face
16 looked like, but I know that he had on, like, a
17 hoodie with a Nautica or Tommy Hilfiger type bubble
18 coat on over that.

19 Q. What do you mean by a Nautica, a Tommy
20 Figer (sic) bubble coat?

21 A. It was the style back then. So it was
22 kind of like a puffy winter coat, but it wasn't
23 really puffy or whatever, it was just a certain
24 style.

25 Q. Okay. And what color was that?

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1 A. I believe it was, like, a maroonish color,
2 something like that, dark maroon.

3 Q. Okay. And you said also the person had a
4 hoodie on underneath that?

5 A. Uh-huh (affirmative response).

6 Q. Was that a common style as well?

7 A. Yeah. Yeah. Because it's winter in
8 Cleveland so everybody usually doubles up. So yeah,
9 hoodie and a jacket would be substandard, yeah.

10 Q. Right. A lot of people would be wearing a
11 hoodie or some layering --

12 A. Yeah.

13 Q. -- in Cleveland?

14 A. Yes.

15 Q. Okay. After you saw what you saw, you
16 said you were the first person to see the victim?

17 A. Yes.

18 Q. That's pretty scary.

19 A. Yeah.

20 Q. Did the person that did the shooting, did
21 he -- he fled the scene; is that correct?

22 A. Yes.

23 Q. Okay. Did he get in a vehicle of any
24 sort?

25 A. I'm not for sure. He turned in the same

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1 direction of travel as the vehicle, but I never seen
2 him get in the vehicle.

3 Q. Okay. So you saw a vehicle there as well?

4 A. Yes.

5 Q. Okay. And can you describe that vehicle
6 for me, if you recall?

7 A. I think it was dark. I'm not really for
8 sure. I can't remember the color. It was so long
9 ago. But it was like a Bronco, Blazer 4X4 type
10 vehicle. Like big, boxy kind of --

11 Q. Uh-huh.

12 A. -- truck.

13 Q. Did you see anybody get out or into that
14 vehicle?

15 A. No.

16 Q. Okay.

17 A. Like it looked like he could have, you
18 know, but he came from behind the vehicle so, like,
19 there was no way for me to really tell if he
20 actually got out of the vehicle.

21 Q. But certainly, no one got into that
22 vehicle?

23 A. No, not that I saw.

24 Q. Okay. Did you hear anything, any sounds
25 coming from that vehicle?

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1 A. No.

2 Q. No gunshots?

3 A. No.

4 Q. Okay. The -- the sound of the gunshot you
5 heard, were they from that vehicle or a different
6 area?

7 A. I mean, the vehicle rode past, it was
8 like, you know, one gunshot, and then there was,
9 like, a little pause. And the first gunshot, you
10 know, after I peeked, that's when I seen the guy
11 crossing the street. So I'm not for sure where that
12 first gunshot came from.

13 Q. Okay.

14 A. But then, you know, the other two gunshots
15 came from the guy that was in the street. And at
16 that time, the vehicle was already, like, going by
17 and turning right, because he was kind of, like,
18 trying to get out of there.

19 Q. Okay. You said you peeked, what do you
20 mean you peeked out?

21 A. Like the way the bridge is made, it's kind
22 of like rounded, so I kind of like -- like, when
23 you're walking up one street and you're getting
24 ready to cross over and you can kind of see up the
25 street. But once you hit the bridge you can't see

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1 anything unless you peek around the corner.

2 Q. Okay. Okay. So did you have a clear view
3 of all this, or was it kind of going in and out of
4 the obstructions?

5 A. Well, the first -- well, like I said, when
6 I heard the first shot, and I -- and I looked
7 because I was kind of getting ready to cross the
8 street, I was able to see him coming out. And then
9 that's when I ran up to the bridge. And I looked
10 again, and that's when, you know, he was walking --
11 he was still walking, he had the gun pointed at the
12 guy. And then I kind of went back and he was, like,
13 you know, a couple more shots, and then he took off
14 running afterwards.

15 Q. Okay. This SUV, did you see any of the
16 people in that or did you see any --

17 A. I didn't see that face. I know it was two
18 people, because it was a driver and a passenger.

19 Q. Okay.

20 A. But I never seen, like, their face or
21 anything.

22 Q. Okay. You could just make out the -- the
23 bodies, there's two people --

24 A. Two people, yeah.

25 Q. Okay. Did you see the face of a shooter?

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1 A. No.

2 Q. Okay. Okay. After the police arrived,
3 what happened next?

4 A. Well, they arrived and, you know, they did
5 their little thing where they, you know, was at the
6 body and looking around. And then at some point
7 they said, hey, are there any witnesses, did anybody
8 see anything. And I kind of, like, walked up to one
9 of them and was like, I seen what happened. And
10 they put in the back of the police car for a little
11 while, and then eventually I went to the police
12 station.

13 Q. Okay. Do you recall the -- the officer,
14 their name or description that you talked to --

15 A. I don't.

16 Q. -- the first time?

17 A. I don't.

18 Q. Okay. But after the call was made, you
19 stuck around the scene?

20 A. Yeah.

21 Q. To be of assistance?

22 A. Yeah.

23 Q. Okay. And once again, how old were you?

24 A. 14.

25 Q. Okay. And you were placed in the back of

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1 a police car and taken to the police department?

2 A. Uh-huh (affirmative response).

3 Q. Okay. Then what happened?

4 A. They asked questions, like, what did I
5 see, what happened. That was about it. And then I
6 went home after so long of being there.

7 Q. Okay. How long do you think you were
8 there?

9 A. Oh, it seemed like forever, but it might
10 have been like an hour, maybe two hours. But I'm
11 not really for sure how long.

12 Q. Did -- was your mom or your uncle or
13 anybody with you?

14 A. No, no one. It was just me.

15 Q. Did you ask for them to be there?

16 A. I can't remember. I'm pretty sure, like,
17 they asked where was I supposed to be, but I'm not
18 really for sure, I just know that they weren't there
19 at the time.

20 Q. Did any of the police officers call, look
21 for your adult guardian or your parents?

22 A. I don't remember.

23 Q. Okay. Did you sign anything or make any
24 written statements that first time you were there?

25 A. I don't remember if it was the first day

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1 or the second day, but I did sign, you know, a
2 statement after, you know, I told them what
3 happened.

4 Q. Okay. So you said the first or the second
5 day. So did you come back the next day or --

6 A. Yeah, I think --

7 Q. -- the day after?

8 A. -- it was like the next day or the day
9 after a couple of detectives came by. I don't
10 remember if it was my uncle house or my mom's house,
11 but I know they came by and I had to go back to the
12 police station. And that's when they kind of, like,
13 showed me the pictures.

14 Q. Okay. What do you mean, kind of like
15 showed you the pictures?

16 A. Well, like, there was, like, three photos
17 and they like laid them out on the table. And they
18 was, like, do you see anybody that you recognize,
19 you know, from this, you know, shooting.

20 Q. Uh-huh.

21 A. And one of the guys had on what I
22 described. So I was, like, yeah, based off what he
23 has on, that's the guy right there.

24 Q. Okay. So you picked one of these three
25 people?

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1 A. Uh-huh (affirmative response).

2 Q. Okay. But you were identifying clothing,
3 not a face?

4 A. Yes.

5 Q. Okay. Was there anything unusual about
6 that photo array?

7 A. It was only three pictures. I know now
8 that, you know, a photo line up is, like, you would
9 be more --

10 MS. HEMMONS: Objection.

11 MS. WANG: You can answer.

12 A. It's more than three pictures. But they
13 only showed me three pictures. And it was, like,
14 his hand kind of lingered on one of the pictures of
15 Eugene. Like, I didn't pay attention to it then,
16 but, like, thinking about it, you know, it was,
17 like, do you see anybody. And his hand kind of just
18 like that, he wasn't pointing, but his hand kind of
19 sat there.

20 BY MR. MURNER:

21 Q. Can you describe the photos they placed in
22 front of you for me?

23 A. It was of the three guys that I later
24 learned to be the actual defendants, the ones that
25 were charged with the -- with the whole case or

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1 whatever. But one of the pictures, I forget which
2 one it was, but he was kind of in front of -- in
3 front of like a holding -- like locker, looked like
4 a holding area or something like that. Looked like
5 they were, like, actually inside of the, you know,
6 the police station.

7 Q. Okay. Let me back up just a little bit.
8 You said you know that you have to have more than
9 three photos for a photo array. How do you know
10 that?

11 A. Not from personal experience.

12 Q. I know.

13 A. But just, like, basically watching crime
14 show TV. You know, usually they show, First 48,
15 they show more than one picture. It's usually like
16 six pictures, maybe more. And you circle the guy's
17 picture and initial next to it, but.

18 Q. And none of those procedures were followed
19 with you?

20 A. No.

21 Q. Okay. What type of photos were these,
22 were these, you know, regular photos, Polaroids?

23 A. Polaroids.

24 Q. Okay. Were they color or black and white?

25 A. Color.

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1 Q. Did the three people in these photos look
2 similar to you?

3 A. Well, their clothing all looked similar.
4 All of them except for one, because one of them had
5 like a -- the Indian's mascot on his jacket. But
6 other than that, they all -- like one of them -- one
7 of the guys had some kind of bulky jacket on, but
8 other than that, like...

9 Q. Do you recall any of the faces?

10 A. What do you mean?

11 Q. Well, did they look like similar people to
12 you?

13 A. No, because they were all, like, different
14 shapes and sizes. Like, one of them was kind of
15 tall and skinny and another one looked like he was
16 kind of bulkier and...

17 Q. Did they have the same complexions?

18 A. No.

19 Q. What do you mean by that, can you explain?

20 A. Like one was dark and one was kind of
21 light and one was like in between the two, but they
22 weren't, like, all the same shade or anything.

23 Q. Okay. And all three of these photos the
24 people were African-American?

25 A. Yes.

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1 Q. Okay. And when you refer to shade there,
2 that was within that, right?

3 A. I'm sorry?

4 Q. When you referred to one was darker, one
5 was there --

6 A. Yes.

7 Q. It's a differing?

8 A. Yeah.

9 Q. Okay. The -- do you recall who was in the
10 room when you had the photo array of the three
11 photos shown to you?

12 A. I know it was a detective.

13 Q. Okay.

14 A. I don't know -- I don't remember how many.

15 Q. Okay.

16 A. I just remember it was at least one,
17 because it was the one, you know, showing me the
18 picture.

19 Q. Did you have -- did you have an adult with
20 you?

21 A. I don't know if my mom went -- I'm pretty
22 sure she went with me, but I'm not for sure she was
23 in the room with me.

24 Q. Uh-huh.

25 A. I'm not for sure.

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1 Q. Okay. So after you made the

2 identification and you picked Eugene Johnson,

3 correct?

4 A. Uh-huh (affirmative response).

5 Q. What you came to know, I guess, as Eugene

6 Johnson --

7 A. Right.

8 Q. -- on there, what happened next?

9 A. That was it. Like, to me it was over

10 with. Like, I identified them, he goes to jail,

11 that was it. And then, like, sometime down the

12 line, almost a year later, you know, I got

13 contacted, I guess, by, like, the prosecuting

14 attorney. And that's when I figured out, like, we

15 had to go to trial.

16 Q. Okay. Immediately after you picked

17 Mr. Johnson, or you pointed towards Mr. Johnson, did

18 any of the detectives there tell you anything or --

19 A. I remember asking, like, are they in

20 custody, like, are these the guys that did it,

21 basically? Not are they in custody, but are these

22 the guys that did it? And they was, like, yeah, we

23 have them in custody. And I remember going down and

24 looking at the -- the vehicle and asking, like, was

25 this the vehicle that I seen, you know, riding by,

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1 and I told them that it was.

2 Q. Uh-huh. Okay. And do you recall, did you
3 do any more written statements after the photo ID?

4 A. I believe it was like that, the very last
5 one where they just asked about who it was and have
6 I identified them off of the pictures and whatnot.

7 Q. Okay. And once again, was any adults
8 present with you to help you review those things?

9 A. I don't recall. I don't think so, but I
10 don't recall.

11 Q. Did any of the other detectives share any
12 of the other evidence or what they said was their
13 evidence for this case with you?

14 A. I recall them having a conversation saying
15 something about two of them had gun powder on them,
16 gun powder residue or something like that on them.
17 But that was, like, the basis, like, they did it,
18 they had gun powder residue on them. That wasn't
19 verbatim what I heard, but that was like the basis
20 of it.

21 Q. Okay. And you heard that after the
22 identification?

23 A. Yeah.

24 Q. How did that statement make you feel?

25 A. I kind of didn't think about it at that

Plaintiffs
only
designate
26:11-27:18
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that
Plaintiffs'
Motion in
Limine No.
5 is denied

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1 point. It wasn't really, unfortunately, until like
2 later in my life when I was like really reflecting
3 on a lot of stuff and just, like, thinking about it
4 all. Like, it just that --

5 MS. HEMMONS: Objection.

6 MS. WANG: You may answer.

7 A. It didn't, like, sit right or whatnot.

8 BY MR. MURNER:

9 Q. When the detectives told you that they had
10 -- they found gunshot residue evidence, did it make
11 you feel more confident that you -- you had the
12 right identification?

13 A. Yeah. Yeah. Based on what they was
14 saying, it was, like, well, if they had gunshot
15 residue on them they must have did it then. If they
16 arrested these guys and they're showing me the
17 picture and they got on what they got on, they must
18 have did it. But yeah.

19 Q. Okay. So there seems like from your
20 testimony there's a lot of interaction for a couple
21 of three days after the shooting?

22 A. Uh-huh (affirmative response).

23 Q. You also testified that you testified at a
24 trial.

25 A. Uh-huh (affirmative response).

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1 Q. Between kind of your initial interviews
2 with the police and the date of trial, did you learn
3 anything new about this case?

4 A. No.

5 Q. Did any investigators from Cuyahoga County
6 or the police come and try and contact you?

7 A. No, not that I remember.

8 Q. Okay. Did any defense counsel try and
9 contact you?

10 A. No.

11 Q. Okay. Any private investigators hired by
12 defense counsel or anybody?

13 A. No.

14 Q. That you know of?

15 A. Not -- not -- no.

16 Q. Okay. This period of time we're talking
17 about, which is, I think about six months, I guess,
18 between the incident or a little bit longer before
19 the trial, were you still thinking about this or did
20 you just get on with your 14-year-old life?

21 A. I just went on with my life.

22 Q. Okay. Well, what's on there. And you
23 didn't -- did you expect anything more to come of
24 that?

25 A. No.

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1 Q. Okay. So tell me about the trial and how
2 you prepared for the trial.

3 A. Well, I remember going into, like, a
4 little room in the justice center and talking to the
5 prosecutor I guess it was.

6 Q. Okay. So when you say little room and you
7 say -- what do you mean?

8 A. It was like a -- it's like a lobby, and
9 then it was like a room that you would never know
10 because it doesn't look like there's a door
11 whatever, the way it's set up down there.

12 Q. Okay.

13 A. But it's a -- it's a small room, like
14 maybe the size of a walk-in closet, depending on
15 what the closet looks like. Like, it's -- it's
16 small. It's not nothing big and doesn't look like a
17 office. It's just a small room, they had a table
18 and a chair in it and I talked to them for a brief
19 second. And I guess -- I can't remember exactly
20 what he said, but I'm assuming he just told me what
21 was to come. And then I waited in the lobby. I
22 couldn't be in the courtroom. And then they
23 eventually called me in.

24 Q. Okay. So the day you had your meeting
25 with this -- with the prosecutor on the case; do you

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1 recall his name?

2 A. Horn.

3 Q. Horn. Okay. The day you had your first
4 conversation with them you also testified that day?

5 A. Yeah.

6 Q. Okay. And what did you testify to at
7 trial?

8 A. Basically that the defendant Eugene was
9 the shooter and that I seen the vehicle. You know,
10 everything that they asked me basically at the
11 police station.

12 Q. Why did you do that?

13 A. I thought that's what I was supposed to
14 do. You know, I gave a statement and, you know, I
15 thought that was -- you know, apparently they
16 reached out to me, I had to go to court, that was
17 the next step just to tell the Court what it was
18 that I saw. And in my 14-year-old mind, or at that
19 time 15, it was doing what was right.

20 Q. Okay. What do you mean, you said this is
21 what I was supposed to do? Can you elaborate on
22 that?

23 A. Well, you know, you've seen what happened,
24 you give your statements or whatever, and then later
25 find out, okay, you have to go to court so you have

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1 to testify. Like, as far as from what I gathered
2 and the way they put it, I was like the star
3 witness, so I had to be there, I had to go tell what
4 I saw.

5 Q. Okay. Did you feel any pressure to
6 testify in a certain way?

7 MR. HANNAN: Objection.

8 A. Not necessarily. Like, it was -- it
9 wasn't like they pressured me to do it, but I knew
10 it was something that just had to be done because
11 the fact I gave statements.

12 BY MR. MURNER:

13 Q. Okay. So did you feel that you had to
14 testify the way the statement said?

15 A. Yes.

16 Q. Okay. What would happen if you didn't?

17 A. I don't know.

18 Q. Okay. All right. So the trial occurs,
19 right?

20 A. Uh-huh (affirmative response).

21 Q. And you gave your testimony?

22 A. Uh-huh (affirmative response).

23 Q. Did you find out about the verdict or did
24 you just do your trial testimony and kind of move
25 on?

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1 A. Eventually, somewhere. It wasn't like
2 they -- I don't remember them reaching out saying,
3 hey, they were found guilty or anything like that.
4 But I think maybe through the news or the newspaper
5 or something like that I found out what the verdict
6 was.

7 Q. Okay. When did you find that out, was it
8 relatively quick?

9 A. I guess maybe after it was all said and
10 done with. Because, like, after that had -- me
11 having to testify, like, I didn't have to go back
12 down there anymore. So that was just, like, it for
13 me.

14 Q. Okay. So a few days, maybe a week after?

15 A. However long --

16 Q. Would that be fair?

17 A. -- it took, I'm not for sure.

18 Q. Okay. All right. So at a certain point
19 you started thinking about this case. Can you
20 describe that for me?

21 A. Well, at that -- by that time, I was an
22 adult. I had a child of my mine own and it's
23 just --

24 Q. Which one, the 20 year old?

25 A. Yeah.

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1 Q. Okay.

2 A. Just life situations and, you know, I just
3 remember talking to my mom about, like, everything
4 that was going on. And we talked about that. And
5 at some point I remember it was a innocent something
6 website, and their story was on there. And I think,
7 like, testimony and transcripts or something like
8 that was listed or whatever. And I was reading all
9 of it.

10 And I was talking to my mom about it all
11 and -- and I was like, I just don't like feel like
12 they were treated right. I was like, you know, now
13 that I reflect back on everything, and I was just
14 telling her, like, you know, there was only three
15 photographs. And it was of them, the people that
16 they actually arrested. And, like, I only
17 identified them based off the clothing. I'm like, I
18 don't think that, you know, it's possible they
19 couldn't have did it.

20 And she was, like, well, if you think that
21 they didn't do it and you think that, you know, you
22 were kind of like coerced into whatever it was that,
23 you know, you said, then you need to do something
24 about it. You need to make it right.

25 Q. Okay. How many years after the trial was

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1 this that you had this kind of conversation or
2 series of conversations with your mother?

3 A. Almost 10 years. Not exactly for sure
4 what the year mark was, but it wasn't quite 10 years
5 but it was close to it.

6 Q. Would you have been 18, 19 years old, you
7 think?

8 A. I was -- I was older than 18 or 19.

9 Q. Okay.

10 A. Yeah. I was out of high school, like in
11 college.

12 Q. Okay. And you attending college at that
13 point?

14 A. I don't remember if I was -- I might have
15 been at the community college, because I did a year
16 at Kent State University, so I'm pretty sure it was
17 after I left there and was like at Cuyahoga
18 Community College.

19 Q. Okay. And after these conversations with
20 your mom and this -- this reflection, what did you
21 do next?

22 A. I actually had sent an email to them
23 through that website that I mentioned. And -- and I
24 just apologized. And was, like, you know, if
25 there's anything that I can do to make it right, I

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1 want to do it. Because, you know, I felt like they
2 were done wrong and some way, somehow I think the
3 guy who runs that website reached out to me, and
4 then eventually I got in touch with you and
5 Mr. Valentine.

6 Q. Oh, okay. You said you sent emails to a
7 website. Do you remember what you kind of put in
8 those emails?

9 A. Well, I kind of apologized, and I told
10 them, you know -- I don't remember verbatim. Like,
11 I'm sorry, you know, for what you guys went through.
12 I know I'm probably, like, the last person you want
13 to hear from. A lot of years of your life has been
14 taken away. You know, now that I think about what's
15 been going on and whatnot, you know, I think that
16 you guys were innocent or done wrong or something
17 like that. I'm -- I don't remember verbatim what I
18 put, but basically I was just apologizing and
19 letting them know that whatever I could do to make
20 it right, you know, I was willing to do.

21 Q. Okay. Did you meet with a Mr. Avery about
22 this matter?

23 A. Oh, yeah. Yeah.

24 Q. Okay.

25 A. Yeah, he was, like --

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1 Q. Can you describe that meeting for me?

2 A. He's not a lawyer, he was like a -- like
3 an advocate or something like that. And he was just
4 basically, I guess you could say he was just trying
5 to find out the truth. Find out what really
6 happened. What did I really see. And did I really
7 see what I said I saw, you know, in the statements
8 from what I testified in court or whatnot.

9 And I just -- I talked to him, and I
10 remember one time he was, like, you know, I have
11 Eugene's mom with me, are you okay with her, you
12 know, being here. And I was, like, you know, that's
13 fine. And, you know, she just sat in. She really
14 didn't say too much of anything. But, you know, she
15 did introduce herself and tell me who she was.
16 And -- and then he was, like, he was just basically
17 just asking everything about, you know, the trial,
18 what happened, what happened when I seen the
19 shooting, what happened before then, and am I, you
20 know, basically sure that what I seen was right and
21 what I testified to was correct.

22 Q. Uh-huh. And how many times did you meet
23 with Mr. Avery?

24 A. A couple. Like, I don't know, two, three.

25 Q. Okay. And Rosemary Johnson was only at

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1 one of these meetings?

2 A. That I remember.

3 Q. Yeah.

4 A. Maybe one, it could have been two, but I
5 really don't remember how many times it was. I know
6 she wasn't there every time. I want to say the
7 first time she wasn't, but maybe like the second
8 time she might have been.

9 Q. Uh-huh. At what point in this whole kind
10 of, I guess for lack of a better term, reflection
11 process did you realize, you know, that your
12 testimony was incorrect?

13 MS. HEMMONS: Objection.

14 A. Well, after I talked to Mr. Avery, you
15 know, I was telling him what was going on, you know,
16 that got the wheels turning, like, everything I
17 seen. And then, you know, talking to my mom,
18 telling her about what was going on. Telling her
19 about the website.

20 BY MR. MURNER:

21 Q. Uh-huh.

22 A. And, you know, it just started from there.

23 Q. Okay. And you did reference earlier an
24 Attorney James Valentine. Who's Attorney James
25 Valentine?

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1 A. At the time, he was like co-counsel for
2 you, I guess.

3 Q. And -- for me. And this is -- you met
4 me --

5 A. Yeah.

6 Q. -- right?

7 A. Uh-huh (affirmative response).

8 Q. Okay. And did you execute an affidavit?

9 A. Yeah. I -- I met with you guys and
10 basically, we just went over testimony again and
11 they asked me what I seen and, you know, typed it
12 down.

13 Q. Okay. Do you remember what year we did
14 that affidavit?

15 A. 2004 or '3 or something like that.

16 Q. We were all so young, weren't we? Okay.
17 Do you recall what you said in that affidavit?

18 A. Basically that, you know, they only showed
19 me three pictures. And I identified them based off
20 what he had on. I never clearly seen his face. I
21 didn't see him actually get back into the vehicle.
22 He did go, like I said, in the same direction as the
23 vehicle, they both turned right. But, you know, I
24 never actually seen him get into the vehicle. And I
25 think that was about it.

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1 Q. Okay. Like I said previously, this is
2 2004, did you review that affidavit, or any other
3 documents prior to your testimony here today?

4 A. Well, yeah, I did. Actually, when the
5 investigator, the private investigator found me, he
6 left me like a big stack of transcripts. And then I
7 have a big stack of transcripts from, like, when I
8 was actually going to court.

9 Q. You say the private investigator, this is
10 recently?

11 A. Yeah, like, he just found me, like, in
12 July.

13 Q. Okay. So he delivered some documents?

14 A. Uh-huh (affirmative response).

15 Q. Did you read those?

16 A. No, I didn't. And you guys asked me if
17 you read -- I read them when I got here. So we kind
18 of like just went over what was, you know, what I
19 said and asked me if I remembered anything and if I
20 remembered what happened, if I remembered what I
21 said in the, you know, at the police station, and in
22 the affidavit and whatnot.

23 Q. Okay. So you did review the affidavit
24 prior to today?

25 (DISCUSSION OF RECORD.)

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1 BY MR. MURNER:

2 Q. So beyond the affidavit we mentioned, what
3 other documents did you review this morning?

4 A. The one from 2004 with you guys.

5 Q. What do you mean?

6 A. With Brett Murner and Mr. Valentine.

7 Q. Okay.

8 A. The affidavit. Yeah.

9 Q. Okay.

10 A. And then the one from the police
11 station --

12 Q. Okay.

13 A. -- that I had to sign.

14 Q. A written statement from the police
15 station?

16 A. Well, it was typed.

17 Q. Or typed?

18 A. Yeah. What else? Like a transcript from
19 court, from the actual court. And the email from
20 the -- that I had sent.

21 Q. Okay.

22 MR. MURNER: All right. We can take a
23 break. Can we mark that?

24 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
25 WAS MARKED AS EXHIBIT NO. 1 TO THE TESTIMONY OF THE

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1 WITNESS AND IS ATTACHED HERETO.)

2 MR. MURNER: Do we need copies? Sorry
3 guys.

4 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
5 WAS PASSED TO THE WITNESS.)

6 BY MR. MURNER:

7 Q. Tamika, I'm showing you Plaintiff's
8 Exhibit 1. Is that the affidavit you referenced?

9 A. From you guys, yeah.

10 Q. Okay. So you reviewed that this morning?

11 A. Yes.

12 Q. Right? And I executed that in 2003 or
13 2004; I'm not sure what the date is on it?

14 A. 2004.

15 Q. And upon reviewing that affidavit, is that
16 -- are you still in agreement with all -- all facets
17 of that affidavit?

18 A. I am.

19 Q. Okay. All right. So you also talked
20 about Rosemary Johnson and you had a meeting with
21 her at some point.

22 A. Yeah.

23 Q. Did you ever feel pressured by Ms. Johnson
24 to do anything in this case?

25 A. Not necessarily. I mean, she was like any

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1 mother who would want justice for her son. You
2 know, she was kind of, you know, first kind of like
3 just played the background, like, you know, she just
4 listened to whatever me and Mr. Avery talked about.
5 And that was pretty much it. She was just, like,
6 you know, once I came forward I -- I seen her again
7 and she was, like, thank you, you know, you know,
8 for, you know, everything that you're doing. I
9 appreciate everything. And that's about it.

10 Q. Did she ever threaten you?

11 A. No. No, she was a sweet person.

12 Q. Okay. Has anybody ever threatened you --

13 A. No.

14 Q. -- about this case?

15 A. No.

16 Q. Has anybody ever offered you money to
17 change your testimony?

18 A. No.

19 Q. Ms. Johnson has never approached you in
20 such a manner; is that correct?

21 A. No, not at all.

22 Q. Has anybody ever, that was involved with
23 this case, put any pressure on you to come forward
24 as you will?

25 A. No.

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1 Q. Okay. You're doing this, of course, on
2 your own free will?

3 A. Yes.

4 Q. So as a result of this affidavit, what
5 happened next?

6 A. Trial began. Many days of going to court,
7 downtown, Toledo, like -- yeah.

8 Q. Okay. And you testified in numerous court
9 appear- -- hearings?

10 A. Uh-huh (affirmative response).

11 Q. Basically that you couldn't identify the
12 shooter?

13 A. Yeah.

14 Q. Okay. And this was in 2004?

15 A. And years going on from there, I believe.
16 It might have been something after 2004 or after the
17 Toledo was after 2004.

18 Q. Uh-huh.

19 A. Like way after Toledo, of going to court,
20 that is, in Toledo was after 2004.

21 Q. 2008 sound about right?

22 A. It could have been, yeah.

23 Q. And what year is it now?

24 A. 2017.

25 Q. Okay. Okay. So why haven't you let this

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1 go?

2 A. Why haven't I let it go?

3 Q. Yeah.

4 A. Well, technically, I have let it go. I
5 mean, not like -- I -- I figured I did all that I
6 could do. I mean --

7 Q. Right.

8 A. -- I went to court, I went to whatever
9 trials I was subpoenaed to go to. I went, and then
10 I thought it was over with. I -- I -- you know, I
11 never knew, I thought they were still locked up
12 until the private investigator showed up and he was,
13 like, no, they're out and you were subpoenaed again,
14 you have to go.

15 Q. Okay.

16 A. So.

17 Q. All right. So you thought your testimony
18 before didn't change anything?

19 A. Yeah. Yeah.

20 Q. Were you frustrated by that?

21 A. Kind of, because it was, like, I told, you
22 know, my truth what I -- what I -- what I know to be
23 my truth, what I seen, and I, you know, stuck to my
24 guns about, you know, what I -- what I saw, you
25 know. What I reflected on and what I knew to be

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1 correct in my eyes and, you know, the justice system
2 failed. That's what I thought.

3 MR. MURNER: Okay. Can we take a break.

4 VIDEOGRAPHER: Off the record, time is
5 11:30.

6 (A BRIEF BREAK WAS TAKEN FROM 11:30 A.M.
7 UNTIL 11:34 A.M.)

8 VIDEOGRAPHER: Back on record, time is
9 11:34.

10 BY MR. MURNER:

11 Q. Tamika, earlier when we were talking this
12 morning, you indicated that this person you saw that
13 did the shooting didn't get back in the car, right?

14 A. Not that I saw.

15 Q. Right. And he crossed the street going in
16 the opposite direction?

17 A. Not -- what do you mean? He went in the
18 same direction. Like, the car came out and turned
19 right, and then he ran out and turned right.

20 Q. Okay. And this was before the shooting,
21 right?

22 A. The car turned right, like after the first
23 set of shots. Like, one shot, pause, then several
24 more, and then during that pause, that's when that
25 truck was coming and it turned so fast that it

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1 actually swerved from hitting a car that was
2 actually coming up the road.

3 Q. Right. But I -- maybe I wasn't -- didn't
4 phrase it right. But before the shooting, the
5 shooter you saw, did he walk across the street?

6 A. When he was coming from behind the vehicle
7 --

8 Q. Yes.

9 A. -- is that what you're saying? Like, I --
10 like I said, I didn't see him get out of the
11 vehicle. I just seen, like, the vehicle and then
12 he's coming from behind the vehicle, like --

13 Q. Okay.

14 A. -- like, this way and the vehicle's facing
15 that way and he was just, like, walking from behind
16 the vehicle. So I don't know if he got out the
17 vehicle or if he was just crossing the street or if
18 it was a cut, I don't know.

19 Q. Okay. And this is what you told the
20 police?

21 A. Yeah.

22 Q. Okay.

23 MR. MURNER: No further direct questions
24 right now.

25 MR. HANNAN: Could we go off the record

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1 for just one second?

2 MR. MURNER: Sure.

3 VIDEOGRAPHER: Off the record, 11:36.

4 (A BRIEF BREAK WAS TAKEN FROM 11:36 A.M.
5 UNTIL 11:37 A.M.)

6 VIDEOGRAPHER: Back on the record, time is
7 11:37.

8 EXAMINATION

9 BY MR. HANNAN:

10 Q. Ms. Harris, my name is Charles Hannan and
11 I represent the prosecuting defendants in this case.
12 If I could, I would like to try to go back to your
13 original testimony in this deposition today. And
14 you indicated that you were walking from your
15 friend's house to your house --

16 A. Uh-huh (affirmative response).

17 Q. -- correct? Would -- would you -- as best
18 you can recall, tell me what streets would you have
19 taken to go from your friend's house to your uncle's
20 house?

21 A. Well, it -- I know I was on Strathmore. I
22 can't remember where I came from before then,
23 because it was, like, I don't remember the street
24 names, I'm sorry, like, I mean, I lived there all my
25 life, but I don't remember. But I was on Strathmore

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1 and I was going up Strathmore to hit Euclid. And
2 once I hit Euclid, I was going to turn left on
3 Euclid to go down Taylor.

4 Q. All right. So you were walking towards
5 Euclid --

6 A. Yes.

7 Q. -- or that was --

8 A. Yes.

9 Q. -- your intended direction?

10 A. Uh-huh (affirmative response.)

11 Q. And when you say this incident in 1995,
12 where was the Blazer that you saw?

13 A. It was --

14 Q. When you first saw it?

15 A. When I first saw it, it was on Strathmore.
16 Like, I heard the gunshot, I wasn't really paying
17 attention, because, like I said, I was -- I was
18 talking.

19 Q. Well, was the Blazer heading towards
20 Euclid or away --

21 A. Oh, away from Euclid.

22 Q. So it was driving towards you?

23 A. Yes. Yes.

24 Q. And the victim that you saw, was -- what
25 side of the street was the victim on?

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1 A. He was on the side where the blue house
2 was, which is the right side of the street, which is
3 the same side of the street that I ended up on,
4 which is opposite of the post office.

5 Q. Okay. And where were -- you were on
6 Strathmore --

7 A. Uh-huh (affirmative response).

8 Q. -- at the time of the shooting?

9 A. Uh-huh (affirmative response).

10 Q. Were you -- is it correct that Manhattan
11 is an intersection --

12 A. Uh-huh (affirmative response).

13 Q. -- street there? Had you already passed
14 the intersection of Manhattan?

15 A. I was in the process of crossing
16 Manhattan.

17 Q. All right. And so your testimony was that
18 at the time of the initial shots, the Blazer was --
19 well, let me put it this way.

20 Did the shooting occur while the Blazer
21 was closer to Euclid than closer to Manhattan?

22 A. No, it was closer to Manhattan. Because
23 the first shot, when I looked, that's when the guy
24 was get -- coming out from behind the Blazer. After
25 the first shot I seen him coming out from behind the

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1 Blazer. So I don't know if the first shot took
2 place from, like, the sidewalk or what, I don't
3 know. But then the Blazer came, like, speeding and
4 turned right. And as he was speeding, that's when
5 the other shots were fired as he was speeding and
6 getting ready to turn onto Manhattan.

7 Q. Turned right onto Manhattan?

8 A. Uh-huh (affirmative response).

9 Q. And then, did you see where the Blazer
10 went after it turned on Manhattan?

11 A. It went towards Shaw.

12 Q. Now, you indicated that you met with the
13 prosecutor, Mr. Horn?

14 A. Uh-huh (affirmative response).

15 Q. Did you only meet with him one time?

16 A. That I can remember. I definitely
17 remember meeting him, you know, before trial
18 started. I can't really remember meeting him before
19 then. I could have, but I honestly don't remember.

20 Q. Okay. Do you recall what that meeting was
21 like?

22 A. It was a, just a brief kind of meeting
23 where he was, like, so you're just going to go in
24 there, you're going to take the stand and this is
25 going to happen, and they're going to say this and,

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1 you know, we're going to do this. And that was just
2 pretty much it.

3 Q. Did he review the police statement with
4 you?

5 A. I don't remember. It's possible he
6 probably did, but I don't remember.

7 Q. Okay. How did you feel about your
8 interactions with Mr. Horn?

9 A. I mean, I guess I was okay with it.

10 Q. Okay. Now you had indicated that after
11 the -- several years after the incident you started
12 having to reflect upon this?

13 A. Uh-huh (affirmative response).

14 Q. Is that right? Is that when you met with
15 Mr. Avery?

16 A. I met him before, like, you know, I
17 started early, like, thinking about the whole thing
18 that was going on. I do remember him coming around
19 beforehand. Like I said, he was, like, an advocate,
20 so I guess he was just trying to, like, do whatever
21 to help get them out and get their story told or
22 whatnot.

23 Q. Okay. And did you meet with Mr. Johnson's
24 mother, was that --

25 A. Uh-huh (affirmative response).

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1 Q. How many times did you meet with her?

2 A. Like I said, I met with Mr. Avery three,
3 could have been more than that, but three times that
4 I know of. The first time it was just Mr. Avery by
5 his self. And then I do remember her being there
6 maybe like a second time, because he asked me if I
7 was okay with her being there.

8 Q. About how many times have you talked to
9 Ms. Johnson about this?

10 A. Once, maybe twice.

11 (BRIEF PHONE INTERRUPTION.)

12 BY MR. HANNAN:

13 Q. Okay. Have you ever talked to members of
14 Mr. Glover's family about this?

15 A. No.

16 Q. Or Mr. Glover for that matter?

17 A. No.

18 Q. Have you ever talked to Mr. Wheatt about
19 this?

20 A. No.

21 Q. Have you ever talked to members of his
22 family about this?

23 A. No.

24 Q. You contacted the Innocent Inmates
25 Organization?

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1 A. I think that's what -- what it was.

2 Q. What it was called?

3 A. I remember innocent something. Yes.

4 Q. And was that in 2002?

5 A. Or '1, something like that, yeah.

6 Q. Did you ever speak with a Rod Key?

7 A. He was like the director or something like

8 that, or the -- that was his thing, yeah. Because

9 he -- he contacted me after I did the email.

10 Q. Okay. How many times did you talk to him?

11 A. I don't know. I'm not for sure.

12 Q. Okay. Did you ever have any
13 communications with the Hudson family?

14 A. I did.

15 Q. Okay. What kind of communications did you
16 have with them?

17 A. I spoke with the -- with the mother, and I
18 actually went out and visited with the mother and
19 the sister of the -- of the victim.

20 Q. Did you know him?

21 A. No.

22 Q. Now, in -- let's see, let me hand you what
23 I have had marked as Harris Exhibit 2, which has
24 previously been marked in an earlier deposition.

25 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT

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1 WAS MARKED AS EXHIBIT NO. 2 TO THE TESTIMONY OF THE
2 WITNESS AND IS ATTACHED HERETO.)

3 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
4 WAS PASSED TO THE WITNESS.)
5 BY MR. HANNAN:

6 Q. I'm going to hand that to you and ask you
7 to take a look at that, and tell me, first of all,
8 if you recognize that?

9 A. Uh-huh (affirmative response).

10 Q. Do you recognize that?

11 A. Uh-huh (affirmative response).

12 Q. What is that?

13 A. An affidavit that I did.

14 Q. And was that affidavit executed in about
15 January of 2004?

16 A. That's what it says, yes.

17 Q. All right. If I could direct -- now, do
18 you recall the circumstances in which that affidavit
19 was executed?

20 A. I want to say it was, like, after meeting
21 or talking and sending emails and talking with
22 the -- Mr. Murner and Mr. Valentine, initially
23 meeting with them and them just going over --

24 Q. So did they help prepare this affidavit
25 for you to sign?

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1 A. Well, they asked me questions and they
2 typed it up, yeah.

3 Q. Okay. All right. And if I could direct
4 your attention to Paragraph 3 of the affidavit.

5 A. Uh-huh (affirmative response).

6 Q. Could you read that paragraph, please, out
7 loud?

8 A. There was a dri- -- there was a Blazer
9 driving by at the time. I could see two occupants
10 in the front seat. I could not see whether or not
11 anyone was in the back seat. The Blazer drove up
12 Strathmore and turned left on Manhattan.

13 Q. Go ahead.

14 A. The shooter ran up Strathmore and turned
15 left on Manhattan. I did not see him get in the
16 Blazer.

17 Q. Okay. And did you read that complete
18 paragraph?

19 A. Yeah, it's a complete paragraph.

20 Q. Okay. I'm looking in that, is it accurate
21 there to say that the Blazer drove down Strathmore
22 and turned left on Manhattan?

23 A. It should have been right.

24 Q. Okay.

25 A. It was a -- something that wasn't caught.

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1 Q. All right. So that's just a mistake?

2 A. Yeah.

3 Q. And then, in the next sentence where it
4 says the shooter ran down Strathmore and turned,
5 that indicates he turned left on Manhattan?

6 A. It should have been right.

7 Q. Okay.

8 A. Yeah, it was something that wasn't caught.

9 Q. So that's just --

10 A. Yeah, both of the lefts should have been
11 right instead of left.

12 Q. Okay.

13 A. Uh-huh (affirmative response).

14 Q. But then in what has been marked as
15 Exhibit 1 today, now that affidavit was executed, is
16 that in November of 2004?

17 A. Yes.

18 Q. Okay. Were you relatively familiar with
19 this neighborhood, basically?

20 A. A little bit. Not like an expert, because
21 I didn't grow up in East Cleveland, but, you know.

22 Q. How frequently did you visit your friend
23 there?

24 A. My uncle stayed in East Cleveland and I'd
25 visit him quite often.

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1 Q. Do you recall, was there much gang
2 activity going on at that time?

3 MS. WANG: Objection, relevance 403.

4 A. Keep going?

5 BY MR. HANNAN:

6 Q. Yeah.

7 A. Okay. It was a rough area. Like, it was
8 just, like, it was East Cleveland, but, you know,
9 unfortunately you get used to some of the stuff that
10 go on in the area. So, I mean, it was just, like,
11 it was what it was.

12 Q. After the trial in this case, have you
13 ever had any further dealings with Prosecutor Horn?

14 A. No, I don't think so.

15 Q. Have you ever had any interactions with
16 Assistant Prosecutor Carmen Marino?

17 A. It don't sound familiar to me, so I don't
18 think so.

19 Q. Have you ever had any dealings with
20 Assistant Prosecutor Deborah Naiman?

21 A. I don't know.

22 Q. Have you ever received any financial
23 support for anyone who was on behalf of the
24 plaintiffs in this case?

25 A. No.

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1 Q. Okay.

2 MR. HANNAN: Off the record, please.

3 VIDEOGRAPHER: Off the record, time is
4 11:49.

5 (A BRIEF BREAK WAS TAKEN FROM 11:49 A.M.
6 UNTIL 11:51 A.M.)

7 VIDEOGRAPHER: Back on the record, 11:31
8 -- 51.

9 MR. HANNAN: No further questions at this
10 time.

11 MS. WANG: Can we take a quick bathroom
12 break?

13 VIDEOGRAPHER: Off the record, 11:51.

14 (A BRIEF BREAK WAS TAKEN FROM 11:51 A.M.
15 UNTIL 11:56 A.M.)

16 VIDEOGRAPHER: Back on record, 11:56.

17 EXAMINATION

18 BY MS. HEMMONS:

19 Q. Hello, Ms. Harris, how are you?
20 Mrs. Harris.

21 A. Hello.

22 Q. I'm Willa Hemmons and I represent
23 Sergeants Bradford and Sergeant Dunn, as well as
24 Detective Lane, Teel, Miklovich, Perry and
25 Johnstone, as well as the City of East Cleveland in

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1 this matter. And that's H-E-M-M-O-N-S.

2 And I just have a couple of questions.

3 But prior to that, I -- I want to say that I'm proud
4 of the way that you have built your life and have
5 five sons and married and have a very responsible
6 position. So --

7 **A. Thank you.**

8 Q. I think that that's a credit to you and
9 your mom and -- despite all the obstacles that you
10 faced growing up in which you just called,
11 admittedly, a rough neighborhood. So I'm proud of
12 you.

13 **A. Thank you.**

14 Q. And I know teachers -- I'm a retired
15 teacher as well, so I know the teachers that I knew
16 at Patrick Henry -- I won't start naming them -- are
17 proud of you as well. You seem to be a very
18 empathetic person.

19 **A. (Witness nods head affirmatively.)**

20 Q. A very caring and concerned person. And
21 one thing I noticed, you're from the greater
22 Cleveland area?

23 **A. Uh-huh (affirmative response).**

24 Q. And you've only been here six years?

25 **A. Yeah.**

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1 Q. And you have a heavy southern accent, so
2 you acclimate quickly.

3 A. I guess so. I don't -- I don't hear it.
4 A lot of people say they -- they hear a northern
5 accent. But Mr. Murner was just saying earlier,
6 you've been down -- you sound like you're from down
7 here.

8 Q. Yeah. Yeah, I have relatives from the
9 south, so you acclimate and emphasize with the, I
10 guess the situation very readily.

11 Okay. Now, I'm showing you what is -- has
12 been labeled Harris deposition Exhibit 3.

13 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
14 WAS MARKED AS EXHIBIT NO. 3 TO THE TESTIMONY OF THE
15 WITNESS AND IS ATTACHED HERETO.)

16 MS. HEMMONS: And we don't have copies for
17 everybody --

18 MR. MURNER: That's fine.

19 MS. HEMMONS: -- but we can make copies
20 later on.

21 MR. MURNER: Do you want me to hand it to
22 her?

23 MS. HEMMONS: Yes.

24 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
25 WAS PASSED TO THE WITNESS.)

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1 BY MS. HEMMONS:

2 Q. Could you look at that document, Harris
3 deposition No. 3, Exhibit 3?

4 A. Uh-huh (affirmative response).

5 Q. And tell me, what is that?

6 A. One of the emails that was sent. I sent
7 like several, because I -- it -- it didn't show that
8 it went through. So I typed it again and did it
9 again.

10 Q. Okay. Could you read what that depo- --
11 that email says?

12 A. I know that you remember -- I know that --

13 Q. Who's that to, first of all?

14 A. Eugene Johnson.

15 Q. Okay. And that was from your email to --
16 and what was his email at the time?

17 A. E.johnson@innocentinmates.org.

18 Q. Okay. Would you read what you wrote?

19 A. I know that you remember me. I also know
20 that I'm probably the last person in the world that
21 you would want to hear from. But the truth of the
22 matter is that I talked to your mother a couple of
23 days before Thanksgiving and she pretty much
24 explained everything to me. And if it was true that
25 you did not commit such crimes, then let me

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1 apologize in advance for any wrongdoing and hurt
2 that might have had come to your family through this
3 great ordeal.

4 But still the fact is, I only told what I
5 knew, anything else was done by the police. I went
6 to the website innocentinmates.org and I read the
7 facts and I read the arguments. I read everything.
8 And the way I see, if you really didn't commit the
9 crime, then I would like to do all that I can to
10 help your cause. I don't have much to say. I know
11 that apologizing won't do much and you probably
12 don't want to accept my apology. I know that
13 apologizing won't bring back the eight years of your
14 life that were lost or the many birthdays that
15 Laurese didn't get to spend with his daughter, but
16 I'm truly sorry. I don't have much more to say
17 other than take care.

18 Q. Okay. Now, you say in that email that you
19 want to do anything that you can to help?

20 A. Uh-huh (affirmative response).

21 Q. And is that what you're doing now?

22 A. Yes.

23 Q. Okay. And how long after you spoke with
24 Ms. Johnson did you go to the Innocent Project
25 website?

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1 A. It says I talked to her a few days before
2 Thanksgiving, and then the email date on this is
3 December 2nd, so.

4 Q. Oh, okay.

5 A. Maybe did it within a week or so.

6 Q. Okay. So you went to the website after
7 you spoke with Ms. Rosemary Johnson?

8 A. That's what it says, uh-huh (affirmative
9 response.)

10 Q. And Ms. Rosemary Johnson is who to Eugene
11 Johnson?

12 A. His mother.

13 Q. That's his mother?

14 A. Uh-huh (affirmative response).

15 Q. Did anything about the conversation that
16 you had with Rosemary Johnson lead you to go to the
17 Innocent website?

18 A. I remember her, I think -- she just talked
19 about what was going on. And I want to say I
20 remember her saying something about somebody -- well
21 not Mr. Avery, but, like, it was a story about them.
22 But for the life of me, I couldn't really remember
23 how I got to Innocentinmates.org, but it could have
24 been through Ms. Johnson.

25 Q. Okay.

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1 **A. But, you know, it was so long ago that I**
2 **honestly didn't remember.**

3 Q. Okay. And what is the date on the email?

4 **A. December 2nd, 2002.**

5 Q. 2002?

6 **A. Uh-huh (affirmative response).**

7 Q. And -- well, I want to ask you this
8 question because this is obvious from Harris
9 deposition Exhibit No. 4.

10 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
11 WAS MARKED AS EXHIBIT NO. 4 TO THE TESTIMONY OF THE
12 WITNESS AND IS ATTACHED HERETO.)

13 BY MS. HEMMONS:

14 Q. Which I'm handing to you now. And what is
15 that?

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
17 WAS PASSED TO THE WITNESS.)

18 **A. This was the first one, looks like, that I**
19 **sent that I didn't know that went through, so --**

20 BY MS. HEMMONS:

21 Q. Oh, okay.

22 **A. -- I resent it, yeah.**

23 Q. Is it a mirror of the second one or is it
24 different?

25 **A. It's basically the -- the same thing.**

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1 Unfortunately, when I sent the first one, there was
2 no way for me to save what I typed.

3 Q. Okay.

4 A. So or if there was, I didn't know how to
5 do it then, so I kind of just redid it again, trying
6 to remember what I said, you know, the first time,
7 the second time.

8 Q. Okay. Now, you want to read that, which
9 is --

10 A. My name is --

11 Q. -- Harris -- Harris deposition Exhibit 4?

12 A. My name is Tamika, and I was the State
13 star witness. Let them tell it. The reason I am
14 writing you is because I talked to your mother
15 Rosemary and she told me basically about everything
16 and about Innocentinmates.org. But I went through
17 and read everything, every fact, every case
18 argument, I read everything.

19 And like I asked your mother, what is it
20 that I can do. I mean, all I said was that I did
21 not see his face clearly, and the reason I
22 identified you was because your clothing fit the
23 description. If I was wrong, I apologize.

24 I know that my apologizing won't bring
25 back the eight years of your life that you have

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1 missed or the many birthdays that Laurese missed for
2 his daughter. I'm sorry, but I was 14 then and now
3 22 -- and 22 now. What more could I do for you.
4 You know I wished I didn't see nothing that day,
5 period. I have too much shit going on in my life
6 right now, entirely too much stuff. And to just put
7 this case right on top of the pile, the way your
8 mother put it -- put it, your -- your life is --
9 your life is in my hands again for the second time,
10 and this time even if it is too late, I want to do
11 what is right.

12 Q. Okay. So at the time when you were 14,
13 you testified you wanted to do what is right, and --

14 A. Uh-huh (affirmative response).

15 Q. -- then again at 21, 22 --

16 A. Two.

17 Q. -- you wanted to do what was right?

18 MS. WANG: Objection, mischaracterizes the
19 witness's testimony.

20 BY MS. HEMMONS:

21 Q. Okay. Why did you send that email?

22 A. Well, like I said, I talked to his mother
23 and, you know, she was basically telling me what was
24 going on. And -- and then, like I said, I learned
25 about that -- that website. And I went on that

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1 website and then I read everything. Because this
2 is, like, really, after I went on that website that
3 was, like, really the first time in forever that I
4 read over everything that was said, all the
5 testimony and stuff like that. And I read over all
6 that again. And then, not to mention at 22 I had my
7 second child, and I had just lost his dad. So
8 unfortunately --

9 Q. What do you mean you lost his dad?

10 A. His father was killed. Somebody actually
11 shot him and killed him dead.

12 Q. Oh, so in your empathy you were
13 emphasizing with his mother as well as Mr. Johnson?

14 MS. WANG: Objection, mischaracterizes the
15 witness's testimony.

16 BY MS. HEMMONS:

17 Q. So did that make you feel -- losing his
18 dad make you feel differently about this case?

19 A. Not necess- -- well, differently, yeah, in
20 the fact that, like, I'm like, okay, like, you know,
21 people are losing their lives. Like, I lost my
22 son's father, Laurese's daughter, in a sense, lost
23 her father, you know. And if I could make it right,
24 you know, based off of what I know and what I --
25 what I've testified to, then I want to make it

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1 right.

2 Q. Okay. And again, I appreciate your
3 wanting to do the right thing. On another track,
4 you say that the only reason in your affidavit,
5 which is labeled Harris deposition, was it 1 or 2?

6 A. I don't know which one you're talking --
7 November or January?

8 Q. Okay. I guess --

9 A. November is --

10 Q. In November?

11 A. -- 1.

12 Q. Okay. And you say the only reason that
13 you identified him was because of the fact that he
14 had the same clothing as the shooter, correct?

15 A. Uh-huh (affirmative response).

16 Q. In your mind, and there have been a lot of
17 questions in your mind, but in your mind, do you
18 think it was quite a coincidence that the next day
19 he had on the exact same clothes --

20 A. I did.

21 Q. -- as the shooter?

22 A. I did.

23 Q. As the shooter? so you think that was
24 coincidental?

25 A. I didn't -- coincidental or ironic or,

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1 like, however you want to put it. But it was just,
2 like, strange, I guess you could say, like, wow, he
3 has on the exact same thing that I described and
4 here he is, so.

5 Q. Okay. I don't have anymore questions.
6 Thank you.

7 A. Uh-huh (affirmative response).

8 MS. WANG: Could we go off the record for
9 a second, or for a minute or two.

10 VIDEOGRAPHER: Off the record, time is
11 12:06.

12 (A BRIEF BREAK WAS TAKEN FROM 12:06 P.M.
13 UNTIL 12:11 P.M.)

14 VIDEOGRAPHER: Back on record, the time is
15 12:11.

16 FURTHER EXAMINATION

17 BY MR. MURNER:

18 Q. Just a few follow-ups, Tamika. When
19 Ms. Hemmons was doing her cross-examination of you,
20 you indicated you wanted to do what is right in this
21 case, correct?

22 A. Uh-huh (affirmative response).

23 Q. Do you believe what -- your view of what
24 doing the right thing was is different now than it
25 was when you were 14?

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1 A. Yeah.

2 Q. Okay. When you were 14, what did you
3 think doing what was right meant?

4 A. I thought that, you know, seeing somebody
5 get shot and seeing who it was, you know, not, per
6 se, like, necessarily seeing their face, but, you
7 know, being able to provide a description of what
8 they had on and what -- what vehicle I seen in the
9 area at that time. And basically, you know, just
10 doing what the police asked me to do.

11 And then going forward, you know, thinking
12 about all the steps that the police took and
13 everything that, you know, I was presented with, it
14 just -- it wasn't right. It wasn't the right thing.
15 The right thing would be coming forward and telling
16 them, hey, I only seen this, and they only presented
17 me with this and this is what they did with me.

18 Q. So would you agree with me, somebody's
19 definition or belief on what is the right thing to
20 do can change with age?

21 A. It can.

22 Q. Okay. Also on cross-examination, we
23 talked more about this coat, I guess. Did you ever
24 see the coat you identified on Mr. Johnson?

25 A. What do you mean? In the picture --

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1 Q. Did they ever show you the coat?

2 A. I can't remember. I'm not a hundred
3 percent for sure.

4 Q. Right.

5 A. I know he -- he had a coat on in his
6 picture.

7 Q. Uh-huh.

8 A. But I'm not a hundred percent sure if I --

9 Q. Okay.

10 A. -- seen it in person.

11 Q. Okay. And was it -- could you with a
12 hundred percent certainty say that was the exact
13 same coat as the one you saw?

14 A. No.

15 MS. HEMMONS: Objection.

16 BY MR. MURNER:

17 Q. It could be a similar coat, correct?

18 A. Correct.

19 Q. And as we discussed before, it was winter
20 in Cleveland?

21 A. Uh-huh (affirmative response).

22 Q. And the color of this coat, what was it?

23 A. Maroon.

24 Q. Maroon. Okay. Or could it have been
25 another dark color?

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1 **A.** It could have been.

2 **Q.** Okay.

3 **A.** But it wasn't -- it wasn't black, like,
4 you know, it had some kind of color to it.

5 **Q.** A darker color?

6 **A.** Yes.

7 **Q.** Okay. And it was a winter type jacket one
8 would wear in the outside, it was a warm jacket,
9 right?

10 **A.** Uh-huh (affirmative response).

11 **Q.** And you testified earlier that was
12 certainly the style of young men in the area?

13 **A.** Yes.

14 **Q.** Okay. And you also testified before, of
15 course, that in Cleveland maybe layering is a good
16 idea in the winter?

17 **A.** Yes.

18 **Q.** So it would be very common to see people
19 with black sweatshirts or some sort of layering
20 material on underneath their coats?

21 **A.** Yes.

22 **Q.** Okay.

23 MR. MURNER: Nothing further.

24 MS. HEMMONS: Nothing based on that.

25 Nothing based on that.

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1 MR. MURNER: Charles?

2 MR. HANNAN: No, nothing.

3 MS. HEMMONS: Are we done?

4 VIDEOGRAPHER: Off the record, time is

5 12:15.

6 (DEPOSITION CONCLUDED AT 12:15 P.M.)

7 (AND FURTHER DEPONENT SAITH NOT.)

8 (SIGNATURE WAIVED.)

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C E R T I F I C A T E

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Exhibits		A	
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